

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

BRUCE TOM PUGH	§	
VS.	§	CIVIL ACTION NO. 1:13-CV-620
WARDEN FCI BEAUMONT LOW	§	

MEMORANDUM ORDER OVERRULING OBJECTIONS AND ADOPTING
THE MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION

Petitioner, Bruce Tom Pugh, a federal prisoner currently confined at FCI Beaumont, proceeding *pro se*, filed this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

The Court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this Court. The Magistrate Judge recommends this petition for writ of habeas corpus be denied.

The Court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, and pleadings. Petitioner filed objections to the Magistrate Judge’s Report and Recommendation. This requires a *de novo* review of the objections in relation to the pleadings and applicable law. *See* FED. R. CIV. P. 72(b).

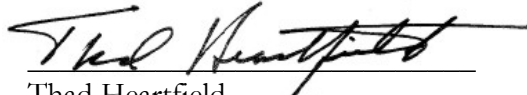
After careful consideration, the Court finds the objections lacking in merit. Petitioner has failed to meet the test set forth in *Reyes-Requena*. *Reyes-Requena v. United States*, 243 F.3d 893 (5th Cir. 2001). *Alleyne v. United States*, – U.S. –, 133 S.Ct. 2151, 186 L.Ed.2d 314 (2013) does not apply retroactively on collateral review. *See In re: Kemper*, 735 F.3d 211 (5th Cir. 2013) (finding *Alleyne* was a direct criminal appeal that did not involve retroactive application and the Supreme Court did not declare *Alleyne* applied retroactively on collateral review).

ORDER

Accordingly, the objections of petitioner are **OVERRULED**. The findings of fact and conclusions of law of the Magistrate Judge are correct and the report of the Magistrate Judge is

ADOPTED. A final judgment will be entered in this case in accordance with the Magistrate Judge's recommendations.

SIGNED this the **16** day of **April, 2014**.


Thad Heartfield
United States District Judge